

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JAMES ADAMS,)
Petitioner,)
v.) NO. 3:04-0346
STATE OF TENNESSEE,) JUDGE HAYNES
Respondent.)

O R D E R

Before the Court are the Defendant's motion to transfer this petition to the Sixth Circuit (Docket Entry No. 4) and Petitioner's motion to hold this petition in abeyance until his state remedies on some of his claims are exhausted (Docket Entry No. 7).

Upon review of the parties' motions and Respondent's response to Petitioner's motion, the Petitioner's motion to hold in abeyance is **GRANTED**. The Respondents's motion to transfer is **DENIED** without prejudice to renew.

In this Court's view, the interest of justice are served if all of the Petitioner's claims are before the Court. See Nelson v. George, 399 U.S. 224 (1970). Petitioner's earlier petition cited by the Respondent was not decided in the merits.

It is so ORDERED.

ENTERED this 25th day of July, 2005.


WILLIAM J. HAYNES, JR.
United States District Judge